Remarks

Claims 1-11, 13-14, 16-22 and 25-27 are currently pending in the Application.

Summary of claim amendments

This response amends Claims 1, 22 and 25-27 to recite features of Claims 2-3 and cancels Claims 2-3 without prejudice.

This response amends Claims 2-11, 16-17 and 20 to clarify the language of the claims.

35 U.S.C. §112, second paragraph, rejection

Claims 1, 22 and 25-27 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants submit that Claims 1, 22 and 25-27 have been amended and request that the rejection be withdrawn.

35 U.S.C. §101 rejection

In the final Action mailed October 4, 2006 the Examiner rejects Claims 1-11 and 20 under 35 USC § 101. Although Applicants respectfully disagree, in the interest of moving the present application towards allowance Applicants submit that Claims 1-11 and 20 have been amended and request that the rejection be withdrawn.

35 U.S.C. §103(a) rejection in view of Postel and Myers

Claims 1, 3-4, 6-11, 17-18, 20-22 and 25-27 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Postel (RFC 788, Simple Mail Transfer Protocol, November 1981) and further in view of Myers (RFC 1939, Post Office Protocol-Version 3, May 1996). Applicants disagree with the Examiner's rejection.

Applicants submit that the Examiner has **not** established a *prima facie* case of obviousness for the claims rejected under 35 U.S.C. §103(a). Applicants note:

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure" (emphases added) *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants submit that a *prima facie* case of obviousness has not been established because the Examiner has failed to show that Postel and Myers teach each and every element as claimed in the present application. In particular:
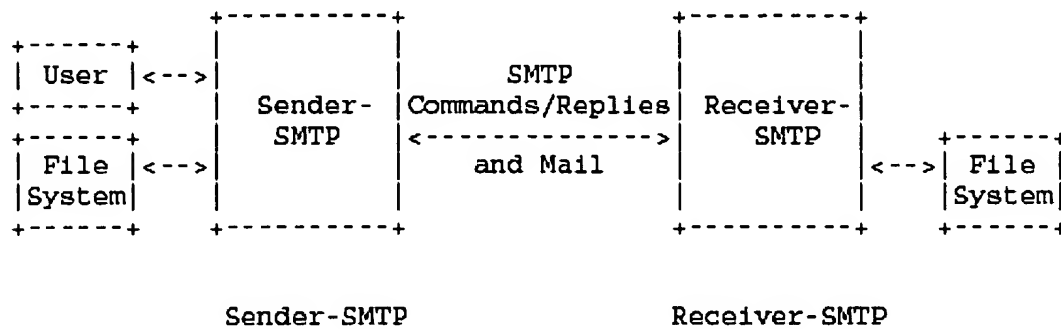
Claim 1
Applicants submit that the Examiner has not shown that Postel and Myers disclose, suggest or teach, *inter alia*, the following features recited by Claim 1 of the present application:

"the first channel adapter being operable to: receive **a message** ... comprising **content information and destination information**" (emphases added)

In responding to Applicants request that the Examiner comply with with 37 C.F.R. §1.104(c)(2) and "designate as nearly as practicable" where either Postel or Myers disclose "a first channel adapter" as recited in Claim 1, the Examiner asserts that anything that performs "receiving" and "reading" is a "first channel adapter" as recited in Claim 1. See page 4, lines 1-4 of the Office Action.

In view of the Examiner's comments above, Applicants presume that the Examiner belives that Postel's "receiver-SMTP," shown in Postel's Figure 1 reproduced below, allegedly discloses the "first channel adapter" as recited in Claim 1, because Postel's "receiver-SMTP" receives messages from Postel's "sender SMTP." If Applicants'

presumption is incorrect, the Examiner should clearly identify where Postel discloses the "first channel adapter" as recited in Claim 1. Otherwise, Applicants submit the following:

```
                    +----------+              +----------+
   +------+         |          |              |          |
   | User |<-->|    |          |     SMTP     |          |
   +------+         | Sender-  |Commands/Replies| Receiver-|
   +------+         | SMTP     |<-------------->|  SMTP    |         +------+
   | File |<-->|    |          |    and Mail  |          |<-->|    | File |
   |System|         |          |              |          |         |System|
   +------+         +----------+              +----------+         +------+

        Sender-SMTP                          Receiver-SMTP

                        Model for SMTP Use

                            Figure 1
```

Referring to Postel's Figure 1 reproduced above, a sender-SMTP transmits **three** (3) separate messages/commands (MAIL; RCPT; and DATA) to the receiver-SMTP. See pages 4-5 of Postel. According to Postel, the MAIL command identifies the sender of the mail, the RCPT command identifies the recipient/destination of the mail, and the DATA command contains the text message of the mail. See pages 4-5 of Postel. Postel specifically teaches that the RCPT command **must** follow the MAIL command and the DATA command **must** follow the RCPT command. See page 5, third line from the bottom of Postel. That means that the Receiver-SMTP receives **three** (3) separate messages from the Sender-SMTP, wherein the text message (arriving with DATA command) arrives **after and separately** from the destination information (arriving with RCPT command).

Contrary to Postel, the "first channel adapter" recited in Claim 1 is operable to "receive a **message** ... comprising **content information and destination information**" (emphasis added). Why does the Examiner allege that **two separate** messages, RCPT and DATA, disclose a **single** message that contains both the "content information **and** destination information" (emphasis added) as recited in Claim 1?

The Examiner further points to Postel's page 20 to show that a user sends email to a recipient. See page 6, lines 3-4 of the Office Action. Applicants submit that Postel's page 20 describes commands SOML and SAML. See page 20 of Postel. Applicants note that the command MAIL discussed above can be <u>replaced</u> by the commands SOML and SAML. See page 10, lines 14-17, 24 and 32 of Postel. Therefore, the commands SOML and SAML, referred to by the Examiner, do not change the fact that Postel's Receiver-SMTP receives the destination information and the message via **two separate** commands, while the "first channel adapter" recited in Claim 1 does <u>not</u> receive "content information **and** destination information" as recited in Claim 1 via **two separate** messages but rather within the same message.

Because Postel's Receiver-SMTP requires **two separate** messages to receive the destination information and the text message, Postel does not teach, disclose or suggest "the first channel adapter being operable to: receive **a message** ... comprising **content information and destination information**" (emphasis added) as recited in Claim 1. Hence, Claim 1 is patentable over Postel and Myers and should be allowed by the Examiner. Claims 3-4, 6-11 and 20-21, at least based on their dependency on Claim 1, are also believed to be patentable over Postel and Myers.

Claim 22

Applicants submit that, at least for the reasons stated above for Claim 1, Postel and Myers do not teach, disclose or suggest "a message ... comprising content information **and** destination information" (emphasis added) as recited in Claim 22. Hence, Claim 22 is patentable over Postel and Myers and should be allowed by the Examiner.

Claim 25

Applicants submit that, at least for the reasons stated above for Claim 1, Postel and Myers do not teach, disclose or suggest "a first channel adapter and a second channel adapter" and "a message ... comprising content information **and** destination information" (emphasis added) as recited in Claim 25. Hence, Claim 25 is patentable over Postel and Myers and should be allowed by the Examiner.

Claim 26

Applicants submit that, at least for the reasons stated above for Claim 1, Postel and Myers do not teach, disclose or suggest "a first channel adapter and a second channel adapter" and "a message ... comprising content information **and** destination information" (emphasis added) as recited in Claim 26. Hence, Claim 26 is patentable over Postel and Myers and should be allowed by the Examiner. Claims 17-18, at least based on their dependency on Claim 26, are also believed to be patentable over Postel and Myers.

Claim 27

Applicants submit that, at least for the reasons stated above for Claim 1, Postel and Myers do not teach, disclose or suggest "a first channel adapter and a second channel adapter" and "a message ... comprising content information **and** destination information" (emphasis added) as recited in Claim 27. Hence, Claim 27 is patentable over Postel and Myers and should be allowed by the Examiner.

35 U.S.C. §103(a) rejection in view of Eggleston, Postel and Myers

Claims 1, 2, 16 and 26 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Eggleston (U.S. Patent No. 5,771,353) in view of Postel and further in view of Myers. Applicants disagree with the Examiner's rejection.

Applicants submit that a *prima facie* case of obviousness has not been established because the Examiner has failed to show that Eggleston, Postel and Myers teach each and every element as claimed in the present application. In particular:

Claim 1

The Examiner has conceded that Eggleston does not teach, disclose or suggest how email ends up in the user's mail box. See page 8, last paragraph of the Office Action. The Examiner uses Postel to supplement Eggleston and allegedly cures this defect. See page 9, first paragraph of the Office Action.

Because Postel specifically teaches that the Receiver-SMTP receives the destination information and the text message in **two separate** messages as shown above and because Eggleston and Mayers do not disclose how email ends up in the user's mail box,

Eggleston, Postel and Mayers do not teach, disclose or suggest "a message ... comprising content information **and** destination information" (emphasis added) as recited in Claim 1. Hence, Claim 1 is patentable over Eggleston, Postel and Myers and should be allowed by the Examiner.

Claim 26

Applicants submit that, at least for the reasons stated above for Claim 1, Eggleston, Postel and Myers do not teach, disclose or suggest "a message ... comprising content information **and** destination information" (emphasis added) as recited in Claim 26. Hence, Claim 26 is patentable over Eggleston, Postel and Myers and should be allowed by the Examiner. Claim 16, at least based on its dependency on Claim 26, is also believed to be patentable over Eggleston, Postel and Myers.

35 U.S.C. §103(a) rejection in view of Postel, Myers and Birrell

Claims 5, 13-14 and 19 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Postel, Myers and further in view of Birrell (U.S. Patent No. 6,029,164).

Claims 5, 13-14 and 19

Applicants submit that Claims 5, 13-14 and 19, at least based on their dependency on Claims 1, 25 and 26, respectively, are believed to be patentable over Postel, Myers and Birrell, because there is no prima facie 35 USC 103(a) case based on Postel and Myers, as shown above, and because the Examiner has not shown where Birrell discloses, teaches or suggests the features not found in Postel and Myers.

35 U.S.C. §103(a) rejection in view of Postel, Myers and Cobb

Claim 18 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Postel, Myers and further in view of Cobb (U.S. Patent No. 6,199,102). Applicants disagree with the Examiner's rejection.

Claim 18

Applicants submit that Claim 18, at least based on its dependency on Claim 26, is believed to be patentable over Postel, Myers and Cobb, because there is no prima facie 35 USC 103(a) case based on Postel and Myers, as shown above, and because the Examiner has not shown where Cobb discloses, teaches or suggests the features not found in Postel and Myers.

35 U.S.C. §103(a) rejection in view of Bavadekar and Leymann

Claims 1, 3-8, 13-14, 17-22 and 25-27 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Bavadekar (U.S. Publication No. 2003/0009571) and further in view of Leymann (Practitioners Approach to Data Federation). Applicants disagree with the Examiner's rejection.

Applicants submit that a *prima facie* case of obviousness has not been established because the Examiner has failed to show that Bavadekar and Leymann teach each and every element as claimed in the present application. In particular:

Claim 1

Applicants submit that the Examiner has <u>not</u> shown that Bavadekar and Leymann disclose, suggest or teach, *inter alia*, the following features recited by Claim 1 of the present application:

> "the **message broker comprising at least one message channel** ... read the destination information from the message, and send a push request to **place the message in a message channel** corresponding to the destination information, the second channel adapter being operable to; receive a message request from the second client system encoded in an Internet protocol and comprising source information read the message request and identify a message channel corresponding to the source information, **send a pull request to the message channel**"

The Examiner asserts that the "message channel" as recited in Claim 1 is disclosed by Leymann's queues. See line 6 from the bottom of the page 10 of the Official Action. Applicants respectfully traverse the Examiner's assertion.

In Figure 4 reproduced below, Leyman shows communication between two entities that require two queues. Program P1 puts a message into Queue 1 referred to as the <transmission queue>. A "mover" of Message Queue Manager MQM1 then sends the message through a "channel" to a second "mover" on Message Queue Manager 2 that places the message in a <target queue>. Program P2 retrieves the message from this <target queue>. Consequently, by combining Bavadekar with Laymann, one skilled in the art would obtain a messaging server "100A" containing two queues, i.e. a <transmission queue> and a <target queue>, wherein the message from program P1 would be put into the <transmission queue> and retrieved from the <target queue>, not the <transmission queue>, by the program P2.
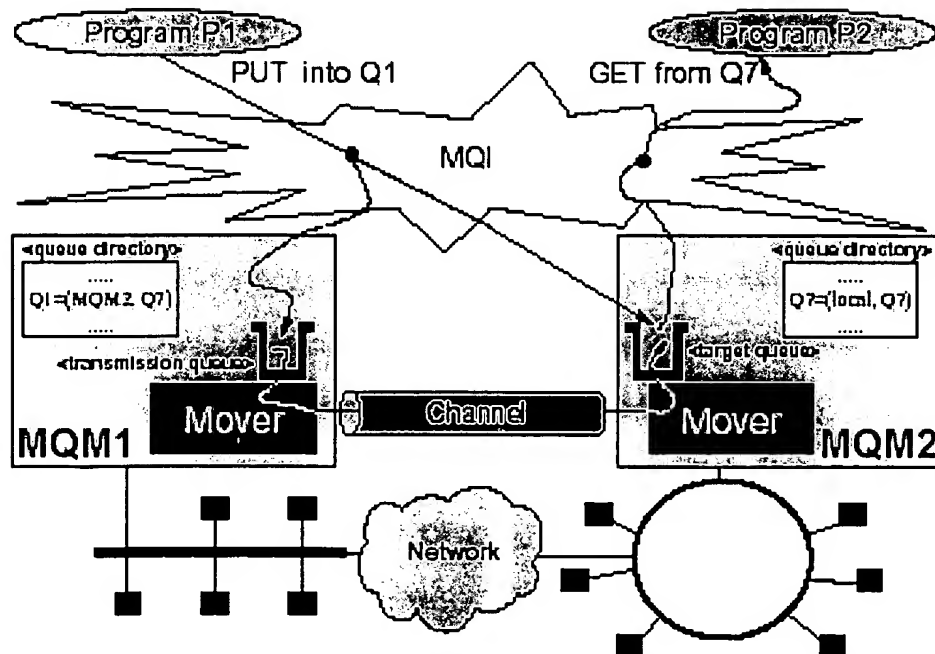

Figure 4: Plumbing Underlying Message Delivery

Contrary to the teachings of Laymann, Claim 1 recites sending "a push request to place

the message in **a message channel**" and sending "a pull request to **the message channel**." Because the asserted combination of Bavadekar and Laymann would produce a messaging server "100A" containing two queues, one for placing messages and another for retrieving messages, the combination of Bavadekar and Laymann does not teach, disclose or suggest "send a push request to place the message in **a message channel**" and "send a pull request to **the message channel**" (emphasis added) as recited in Claim 1.

Furthermore, in responding to Applicants' arguments, the Examiner asserts that even if Leymann discloses two queues, the two queues allegedly read on "a message channel" as recited in Claim 1. Applicants disagree and note that Claim 1 recites "a message channel," not message channels as alleged by the Examiner. Because Leymann discloses **multiple** queues located in separate message queue managers, Leymann does not disclose "a message channel" (emphasis added) as recited in Claim 1. Hence, Claim 1 is patentable over Bavadekar and Laymann and should be allowed by the Examiner. Claims 4-8 and 20-21, at least based on their dependency on Claim 1, are also believed to be patentable over Bavadekar and Laymann.

Claim 22

Applicants submit that, at least for the reasons stated above for Claim 1, Bavadekar and Laymann do not teach, disclose or suggest "sending a push request to place the content information in **a message channel** ...sending a pull request to **the message channel**" (emphasis added) as recited in Claim 22. Hence, Claim 22 is patentable over Bavadekar and Laymann and should be allowed by the Examiner.

Claim 25

Applicants submit that, at least for the reasons stated above for Claim 1, Bavadekar and Laymann do not teach, disclose or suggest "a first channel adapter and a second channel adapter " and "sending a push request to place the content information in **a message channel** ...sending a pull request to **the message channel**" (emphasis added) as recited in Claim 25. Hence, Claim 25 is patentable over Bavadekar and Laymann and should be allowed by the Examiner. Claims 13-14, at least based on their dependency on Claim 25, are also believed to be patentable over Bavadekar and Laymann.

Claim 26

Applicants submit that, at least for the reasons stated above for Claim 1, Bavadekar and Laymann do not teach, disclose or suggest "a first channel adapter and a second channel adapter " and "send a push request to place the message in **a message channel** ... send a pull request to **the message channel**" (emphasis added) as recited in Claim 26. Hence, Claim 26 is patentable over Bavadekar and Laymann and should be allowed by the Examiner. Claims 17-19, at least based on their dependency on Claim 26, are also believed to be patentable over Bavadekar and Laymann.

Claim 27

Applicants submit that, at least for the reasons stated above for Claim 1, Bavadekar and Laymann do not teach, disclose or suggest "a first channel adapter and a second channel adapter " and "send a push request to place the message in **a message channel** ... send a pull request to **the message channel**" (emphasis added) as recited in Claim 27. Hence, Claim 27 is patentable over Bavadekar and Laymann and should be allowed by the Examiner.

35 U.S.C. §103(a) rejection in view of Bavadekar, Leymann and Eggleston

Claims 2 and 16 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Bavadekar, Leymann and further in view of Eggleston. Applicants disagree with the Examiner's rejection.

Applicants submit that Claim 16, at least based on its dependency on Claim 26, is believed to be patentable over Bavadekar, Leymann and Eggleston, because there is no prima facie 35 USC 103(a) case based on Bavadekar and Leymann, as shown above, and because the Examiner has not shown where Eggleston discloses, teaches or suggests the features not found in Bavadekar and Leymann.

Applicants submit that Claim 2 has been canceled without prejudice.

35 U.S.C. §103(a) rejection in view of Bavadekar, Leymann and Colyer

Claims 9-11 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Bavadekar, Leymann and further in view of Colyer. Applicants disagree with the Examiner's rejection.

Applicants submit that Claims 9-11, at least based on their dependency on Claim 1, are believed to be patentable over Bavadekar, Leymann and Colyer, because there is no prima facie 35 USC 103(a) case based on Bavadekar and Leymann, as shown above, and because the Examiner has not shown where Colyer discloses, teaches or suggests the features not found in Bavadekar and Leymann.

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.
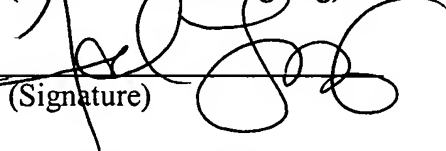
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December 15, 2006
(Date of Deposit)

Trisha Lozano
(Name of Person Signing)

(Signature)

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